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EXAMINER	
LEROUX, ETIENNE PIERRE	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/965,224	QIAN, RICHARD	
	Examiner	Art Unit	
	Etienne P LeRoux	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Claims Status:

Claims 1-57 are pending. Claims 1-57 are rejected as detailed below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 10-16, 18-25, 29-35, 38-44, 48-54, 56 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No US 2004/0268390 issued to Ibrahim Sezan et al (hereafter Ibrahim Sezan).

Claims 1, 10, 20, 29, 39 and 48:

Ibrahim Sezan discloses:

a personalization engine [Fig 1, 20, Fig 2, 48, Fig 23, Fig 24, Fig 22] to create personal preference information from a user [Fig 1, 14, Fig 2, 48, Fig 23] regarding a content [Fig 2, 38], the personal preference information being represented in a description compatible with a content analyzer [Fig 2, 42] in an edge server [Fig 2, 16]

a content scheduler [Fig 2, 52] coupled to the personalization engine to schedule delivery of the content from the edge server and uploading [Fig 2, 44 and 52] of the personal preference information to the edge server

a content filter coupled to the content analyzer to filter the content using the extracted description and the personal information for delivery to the user [Fig 2, 52]

Claims 2, 21 and 40:

Ibrahim Sezan discloses a local storage [Fig 2, 50] to cache the content delivered from the edge server and a content manager [paragraph 53, Fig 2, 42, 44, 52] coupled to the local storage to manage the cached content

Claims 3, 13, 22 and 41:

Ibrahim Sezan discloses wherein the description is compatible with a metadata associated with the content [paragraph 222, Fig 26]

Claims 4, 14, 23, 33, 42 and 52:

Ibrahim Sezan discloses MPEG-7 [paragraph 222]

Claims 5, 24 and 43:

Ibrahim Sezan discloses a deduction engine to deduce the personal preference information based on user's usage [usage history, paragraph 46, Fig 23]

Claims 6, 25 and 44:

Ibrahim Sezan discloses an input interface to obtain personal preference information provided by the user [Fig 82]

Claims 11, 30 and 49:

Ibrahim Sezan discloses a content assembler to assemble the filtered content using the description into a packaged content according to an assembly criterion and a content distributor coupled to the content assembler to distribute the packaged content to the user based on delivery information provided by the home server [Fig 1, paragraph 40]

Claims 12, 31 and 50:

Ibrahim Sezan discloses web content [Fig 2, 38]

Claims 15, 34 and 53:

Ibrahim Sezan discloses a semantic topic [paragraph 55]

Claims 16, 35 and 54:

Ibrahim Sezan discloses scheduled time, quality of service and transmission bandwidth [paragraphs 38, 62 and 232]

Claims 18, 32, 51 and 56:

Ibrahim Sezan discloses a metadata creator to create a metadata associated with the content [Fig 13, step 408].

Claims 19, 38 and 57:

Ibrahim Sezan discloses a matcher to match the description with the personal preference information [paragraph 68].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7, 26, 28 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibrahim Sezan in view of Pub No US 2002/0032772 issued to Olstad et al (hereafter Olstad).

Claim 7:

Ibrahim Sezan discloses the elements of claims 1 and 2 as noted above, and furthermore, regarding claim 7, discloses a retriever to retrieve the cache content and a distributor to distribute the retrieved cache content to a device [Fig 2] but does not disclose an indexer to index the cache content. Olstad discloses an indexer to an indexer to index the cache content [Fig 6]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim Sezan to include an indexer to index the cache content as taught by Olstad for the purpose of coupling the cache to the Internet [paragraph 85]. The skilled artisan would have been motivated to modify Ibrahim Sezan per the above for the purpose of building a search engine service [paragraph 85].

Claim 26:

Ibrahim Sezan discloses the elements of claim 21 as noted above, and furthermore, regarding claim 7, discloses a retriever to retrieve the cache content and a distributor to distribute the retrieved cache content to a device [Fig 2] but does not disclose an indexer to index the cache content. Olstad discloses an indexer to an indexer to index the cache content [Fig 6]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim Sezan to include an indexer to index the cache content as taught by Olstad for the purpose of coupling the cache to the Internet [paragraph 85]. The skilled artisan would have been motivated to modify Ibrahim Sezan per the above for the purpose of building a search engine service [paragraph 85].

Claim 28:

The combination of Ibrahim Sezan and Olstad discloses the elements of claims 1, 2, 7 and 8 as noted above and furthermore, Ibrahim Sezan discloses a viewing device [Fig 2, 80]

Claim 45:

Ibrahim Sezan discloses the elements of claims 39 and 40 as noted above, and furthermore, regarding claim 45, discloses a retriever to retrieve the cache content and a distributor to distribute the retrieved cache content to a device [Fig 2] but does not disclose an indexer to index the cache content. Olstad discloses an indexer to an indexer to index the cache content [Fig 6]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim Sezan to include an indexer to index the cache content as taught by Olstad for the purpose of coupling the cache to the Internet [paragraph 85]. The skilled artisan would have been motivated to modify Ibrahim Sezan per the above for the purpose of building a search engine service [paragraph 85].

Claims 8, 9, 27, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ibrahim Sezan and Olstad and further in view of in view of US Pat No 5,638,531 issued to Crump et al (hereafter Crump).

Claim 8:

The combination of Ibrahim Sezan and Olstad disclose the elements of claims 1, 2, and 7 as noted above and furthermore, regarding claim 8, Ibrahim Sezan discloses archiving [paragraph 67] but the combination of Ibrahim Sezan and Olstad fails to disclose a cache decryptor/decode. Crump discloses a cache decryptor/decder [col 15, lines 35-47]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ibrahim Sezan and Olstad to include a cache decryptor/decoder as taught by Crump for the purpose of accessing the information in the cache by decoding the address [col 15, lines 35-45].

Claim 9:

The combination of Ibrahim Sezan Olstad and Crump discloses the elements of claims 1, 2, 7 and 8 as noted above and furthermore, Ibrahim Sezan discloses a viewing device [Fig 2, 80]

Claim 27:

The combination of Ibrahim Sezan and Olstad disclose the elements of claims 21 and 26 as noted above and furthermore, regarding claim 8, Ibrahim Sezan discloses archiving [paragraph 67] but the combination of Ibrahim Sezan and Olstad fails to disclose a cache decryptor/decode. Crump discloses a cache decryptor/decoder [col 15, lines 35-47]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ibrahim Sezan and Olstad to include a cache decryptor/decoder as taught by Crump for the purpose of accessing the information in the cache by decoding the address [col 15, lines 35-45].

Claim 46:

The combination of Ibrahim Sezan and Olstad disclose the elements of claims 39, 40, and 45 as noted above and furthermore, regarding claim 8, Ibrahim Sezan discloses archiving [paragraph 67] but the combination of Ibrahim Sezan and Olstad fails to disclose a cache decryptor/decode. Crump discloses a cache decryptor/decder [col 15, lines 35-47]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ibrahim Sezan and Olstad to include a cache decryptor/decoder as taught by Crump for the purpose of accessing the information in the cache by decoding the address [col 15, lines 35-45].

Claim 47:

The combination of Ibrahim Sezan Olstad and Crump discloses the elements of claims 39, 40 and 45 as noted above and furthermore, Ibrahim Sezan discloses a viewing device [Fig 2, 80]

Claims 17, 36, 37, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibrahim Sezan in view of Pub No US 2003/0093790 issued to Logan et al (hereafter Logan).

Claim 17:

Ibrahim Sezan discloses the elements of claims 10 and 13 as noted above but does not disclose a parser to parse the metadata. Logan discloses a parser to parse the metadata [paragraph 59]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim Sezan to include a parser to parse the metadata as taught by Logan for the purpose of subdividing the received programming into logical units that can be later selected and modified with the aid of the descriptive metadata [paragraph 59].

Claim 36:

Ibrahim Sezan discloses the elements of claims 29 and 32 as noted above but does not disclose a parser to parse the metadata. Logan discloses a parser to parse the metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim Sezan to include a parser to parse the metadata as taught by Logan for the purpose of subdividing the received programming into logical units that can be later selected and modified with the aid of the descriptive metadata paragraph 59].

Claim 37:

Ibrahim Sezan discloses the elements of claims 29 as noted above but does not disclose a parser to parse the metadata. Logan discloses a parser to parse the metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim Sezan to include a parser to parse the metadata as taught by Logan for the purpose of subdividing the received programming into logical units that can be later selected and modified with the aid of the descriptive metadata [paragraph 59].

Claim 55:

Ibrahim Sezan discloses the elements of claims 48 and 51 as noted above but does not disclose a parser to parse the metadata. Logan discloses a parser to parse the metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim Sezan to include a parser to parse the metadata as taught by Logan for the purpose of subdividing the received programming into logical units that can be later selected and modified with the aid of the descriptive metadata [paragraph 59].

Response to Arguments

Applicant's arguments filed 5/27/2005 have been fully considered but they are not persuasive.

Applicant Argues:

Applicant states in the third paragraph of page 12 "Ibrahim merely discloses a user description scheme to include the user's personal preferences and user's viewing history. This is not the same as a personalization engine to create personal preference information in a description compatible with a content analyzer in an edge server. The user description scheme is

provided to the analysis module 42 for selective analysis of the programs. The analysis module 42 and the description scheme generation module are part of the audiovisual system 16. The system 16 is the audiovisual system located at the user's location to present to the user content (Ibrahim, paragraph 38). It is not an edge server."

Examiner Responds:

Examiner is not persuaded. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. It is unclear how applicant is interpreting the claimed personalization engine and the claimed content analyzer such that applicant is able to conclude that Ibrahim does not disclose an edge server.

MPEP § 2106 states that Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed Cir. 1997). The claimed personalization engine may be interpreted in light of the following excerpt from applicant's specification:

Detail Description Paragraph:
[0024] The personalization engine 210 creates the personal preference information from the user 105 (FIG. 1) regarding a content the user 105 wishes to receive. The personal preference information is represented in a description compatible with a content analyzer in the edge server 150 to be described later. The personal preference information may include the favorite topics or categories, preferred categories of content, delivery information, assembly criteria, descriptors, tags, or metadata. The personalization engine 210 includes a deduction engine 212 and an input interface 214. The deduction engine 212 deduces the personal preference information based on the user's usage or history. The input interface 214 obtains the personal preference information provided directly by the user 105. This may be done by filling out an online questionnaire or answering questions for the user's profile.

Per the above, applicant's personalization engine creates personal preference information regarding content a user wishes to receive. Turning to Ibrahim's disclosure, it can be seen that Ibrahim's audio/visual system 16 per Figure 1 anticipates the claimed personalization engine

because Ibrahim's specification paragraph 46, as below, includes a user description scheme 20 which includes information regarding particular programs and categorizations of programs that the user prefers to view.

[0046] The user description scheme 20 preferably includes the user's personal preferences, and information regarding the user's viewing history such as for example browsing history, filtering history, searching history, and device setting history. The user's personal preferences includes information regarding particular programs and categorizations of programs that the user prefers to view. The user description scheme may also include personal information about the particular user, such as demographic and geographic information, e.g. zip code and age. The explicit definition of the particular programs or attributes related thereto permits the system 16 to select those programs from the information contained within the available program description schemes 18 that may be of interest to the user. Frequently, the user does not desire to learn to program the device nor desire to explicitly program the device. In addition, the user description scheme 20 may not be sufficiently robust to include explicit definitions describing all desirable programs for a particular user. In such a case, the capability of the user description scheme 20 to adapt to the viewing habits of the user to accommodate different viewing characteristics not explicitly provided for or otherwise difficult to describe is useful. In such a case, the user description scheme 20 may be augmented or any technique can be used to compare the information contained in the user description scheme 20 to the available information contained in the program description scheme 18 to make selections. The user description scheme provides a technique for holding user preferences ranging from program categories to program views, as well as usage history. User description scheme information is persistent but can be updated by the user or by an intelligent software agent on behalf of the user at any arbitrary time. It may also be disabled by the user, at any time, if the user decides to do so. In addition, the user description scheme is modular and portable so that users can carry or port it from one device to another, such as with a handheld electronic device or smart card or transported over a network connecting multiple devices. When user description scheme is standardized among different manufacturers or products, user preferences become portable. For example, a user can personalize the television receiver in a hotel room permitting users to access information they prefer at any time and anywhere. In a sense, the user description scheme is persistent and timeless based. In addition, selected information within the program description scheme may be encrypted since at least part of the information may be deemed to be private (e.g., demographics). A user description scheme may be associated with an audiovisual program broadcast and compared with a particular user's description scheme of the receiver to readily determine whether or not the program's intended audience profile matches that of the user. It is to be understood that in one of the embodiments of the invention merely the user description scheme is included.

Based on above disclosures by applicant and Ibrahim, examiner has correctly interpreted applicant's personalization engine and is justified in maintaining Ibrahim's anticipation of the claim limitation "personalization engine to create personal preference information from a user regarding a content, the personal preference information being represented in a description compatible with a content analyzer." Furthermore, Ibrahim's above disclosure of "The explicit definition of the particular programs or attributes related thereto permits the system 16 to select

those programs from the information contained within the available program description schemes 18 that may be of interest to the user" anticipates the claimed content analyzer.

Applicant verbatim reproduces paragraph 38 from Ibrahim's disclosure and then comes to the conclusion that "It is not an edge server." Examiner is unsure how applicant defines an edge server such that applicant is able to conclude that Ibrahim does not disclose an edge server.

Edge server is not a well-known term in the art as it is not included in the Microsoft Computer Dictionary, Fifth Edition. As edge server is not well-known in the art, the definition of a server will have to suffice. The Microsoft Computer Dictionary defines server as:

on the Internet or other network, a computer or program that responds to commands from a client. For example, a file server may contain an archive of data or program files: when the client submits a request for a file, the server transfers a copy of the file to the client.

MPEP § 2106 states that Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Paragraph 21 of the specification of instant application discloses:

[0021] The edge server 150 is a server that is at the edge of the network/broadband medium 160 and 140. Typically the edge server 150 is physically close to the home server 110 or at the edge of the network 140 so that high speed transmission of personalized content can be done. The edge server 150 receives the personal preference information and delivery information from the home server 110 regarding a content the user 105 wishes to receive. The edge server 150 downloads a media content personalized to the user 105 based on the personal preference information at a time and manner provided by the delivery information.

Applicant discloses that the edge server is a server that can be located adjacent to the home server at the edge of the network 140. It is unclear what comprises applicant's edge server 150 and home server 110 and thus per the Microsoft Dictionary definition, the combination of an edge server and home server will be considered a computer or computer program that responds to commands from a client to provide data or program files from the Internet to a user. Without

going into too much detail, which, however, is available for Ibrahim's disclosure in paragraphs 38-56, applicant's Fig 1 is similar to Ibrahim's Figures 1 and 2. Ibrahim's audio/visual system 16 is a server which interfaces between the Internet and a user

In response to applicant's argument that Ibrahim does not disclose an edge server, a structural difference between the claimed invention and the prior art must be evident in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Considering above dictionary interpretation and above interpretation per applicant's specification, Ibrahim's audio/visual system 16 reads on applicant's claimed edge server because audio/visual system 16 is a server which, similar to the claimed edge server, is located between a user and the Internet to provide content suited to the user's viewing preferences (Ibrahim, paragraph 38). There is no structural difference between applicant's edge server and Ibrahim's audio/visual system 16 and furthermore, audio/visual 16 is able to perform the intended use of the claimed invention, and consequently, the claimed invention is not patentable over the prior art.

Applicant Argues:

Applicant states in the fourth paragraph of page 12 "In the Office Action, the examiner further states that Ibrahim discloses a content scheduler, equating it to the search, filtering and browsing (SFB) module 52 in Figure 2 of Ibrahim. Applicant respectfully disagrees. The SFB

module 52 merely performs filtering, searching, and browsing of the program 38 on the basis of the information contained in the description schemes (Ibrahim, paragraph 54]. It does not schedule the delivery of the content from the edge server and uploading the personal preference information. The system 16 merely receives the program 38 and is not capable of scheduling delivery of the content (Ibrahim, paragraph 56)."

Examiner Responds:

Examiner is not persuaded. For applicant's easy reference the entire paragraph 56 is repeated below. Reference to the below paragraph will reveal that Ibrahim discloses scheduling of a Chicago Bull's game, viewer's watching of 20/20 and several additional such viewer's preferences such as collecting viewer's preferences during the week so that the viewer can view the segments at the viewer's convenience reads on the claimed scheduler.

[0056] An example of the use of the device may be as follows. A user comes home from work late Friday evening being happy the work week is finally over. The user desires to catch up with the events of the world and then watch ABC's 20/20 show later that evening. It is now 9 PM and the 20/20 show will start in an hour at 10 PM. The user is interested in the sporting events of the week, and all the news about the Microsoft case with the Department of Justice. The user description scheme may include a profile indicating a desire that the particular user wants to obtain all available information regarding the Microsoft trial and selected sporting events for particular teams. In addition, the system description scheme and program description scheme provide information regarding the content of the available information that may selectively be obtained and recorded. The system, in an autonomous manner, periodically obtains and records the audiovisual information that may be of interest to the user during the past week based on the three description schemes. The device most likely has recorded more than one hour of audiovisual information so the information needs to be condensed in some manner. The user starts interacting with the system with a pointer or voice commands to indicate a desire to view recorded sporting programs. On the display, the user is presented with a list of recorded sporting events including Basketball and Soccer. Apparently the user's favorite Football team did not play that week because it was not recorded. The user is interested in basketball games and indicates a desire to view games. A set of title frames is presented on the display that captures an important moment of each game. The user selects the Chicago Bulls game and indicates a desire to view a 5 minute highlight of the game. The system automatically generates highlights. The highlights may be generated by audio or video analysis, or the program description scheme includes data indicating the frames that are presented for a 5 minute highlight. The system may have also recorded web-based textual information regarding the particular Chicago-Bulls game which may be selected by the user for viewing. If desired, the summarized information may be recorded onto a storage device, such as a DVD with a label. The stored information may also include an index code so that it can be located at a later time. After viewing the sporting events the user may decide to read the news about the Microsoft trial. It is now 9:50 PM and the user is done viewing the news. In fact, the user has selected to delete all the recorded news items after viewing them. The user then remembers to do one last thing before 10 PM in the evening. The next day, the user desires to watch the VHS tape that he received from his brother that day, containing footage about his brother's new baby girl and his vacation to Peru last summer. The user wants to watch the whole 2-hour tape but he

is anxious to see what the baby looks like and also the new stadium built in Lima, which was not there last time he visited Peru. The user plans to take a quick look at a visual summary of the tape, browse, and perhaps watch a few segments for a couple of minutes, before the user takes his daughter to her piano lesson at 10 AM the next morning. The user plugs in the tape into his VCR, that is connected to the system, and invokes the summarization functionality of the system to scan the tape and prepare a summary. The user can then view the summary the next morning to quickly discover the baby's looks, and playback segments between the key-frames of the summary to catch a glimpse of the crying baby. The system may also record the tape content onto the system hard drive (or storage device) so the video summary can be viewed quickly. It is now 10:10 PM, and it seems that the user is 10 minutes late for viewing 20/20. Fortunately, the system, based on the three description schemes, has already been recording 20/20 since 10 PM. Now the user can start watching the recorded portion of 20/20 as the recording of 20/20 proceeds. The user will be done viewing 20/20 at 11:10 PM.

Applicant Argues:

Applicant states in the paragraph joining pages 13 and 14 "Ibrahim, Olstad, Crump and Logan taken alone or in combination, does not disclose, suggest or render obvious (1) a content manager to manage the cached content, the content manager including a retriever to retrieve the cache content, an indexer to index the cache content, and a distributor to distribute the retrieved cache content to a device, as recited in claims 2 and 7, 26 and 45.

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., (1) a content manager to manage the cached content, the content manager including a retriever to retrieve the cache content, an indexer to index the cache content, and a distributor to distribute the retrieved cache content to a device) are not, recited in claims 2, 7, 26 and 45. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant is referred to above Office Action which accurately maps the claim limitations to the applied references.

Applicant Argues:

Applicant states in the paragraph joining pages 14 and 15 "Ibrahim, Olstad, Crump and Logan taken alone or in any combination does not disclose, suggest, or render obvious (2) a decryptor to decrypt the cache content and an archiver to archive the cached content as recited in claims 8, 27 and 46."

Examiner Responds:

Examiner is not persuaded. Applicant's specification states the following:

Detail Description Paragraph:
[0027] The content manager 240 manages the cached content 235. The content manager 240 includes a retriever 242, an indexer 244, a distributor 246, a decryptor 248 and an archiver 252. The retriever 242 retrieves the cache content 235 from the local storage 230. The indexer 244 indexes the cache content according to pre-defined index structure to facilitate the retrieval or access. The distributor 246 distributes the retrieved cache content to the home device 140. The decryptor or decoder 248 decrypts or decodes the cache content using some pre-defined de-cryption or decoding procedure. The archiver 252 archives the cached content for easy accesses.

Applicant does not particularly define a decryptor except to say that it may also be called a decoder. Applicant does not particularly define decoder either. Applicant does not particularly define archiver either. Thus one is left with the option of using definitions which would have been obvious to one of ordinary skill in the art at the time the invention was made. Decoder is defined as a device or program routine that converts coded data back into its original form. This can mean changing unreadable or encrypted codes into readable text or changing one code into another, although the latter type of decoding is usually referred to as conversion.[1]
Ibrahim disclose that the information retrieved from the Internet is decoded in the audio/visual system 16 and then presented to the user on display 80 per Figure 2. Ibrahim's audio/visual system 16 reads on the claimed decryptor of claims 8, 27 and 46. Furthermore, Crump discloses

[1] Microsoft Computer Dictionary, Fifth Edition

a decryptor as indicated in above Office Action. Furthermore, Ibrahim discloses a decryptor in paragraph 67.

Applicant Argues:

Applicant states in the paragraph joining pages 14 and 15 "Ibrahim, Olstad, Crump and Logan taken alone or in any combination does not disclose, suggest, or render obvious a content analyzer including a parser to parse the metadata as recited in claims 17, 36, 37 and 55."

Examiner Responds:

Examiner is not persuaded. Reference to above Office Action will show that claims 17, 36, 37 and 55 are rejected over Ibrahim in view of Logan. Applicant does not particularly define parsing the metadata in the specification. Thus one must resort to an ordinary dictionary[2] definition. Parsing is defined as breaking into smaller chunks so that a program can act upon the data. Metadata is defined as data about data such as title, subject, author, size of file. Logan discloses parsing metadata in paragraph 59 as noted in above Office Action.

Applicant Argues:

Applicant states in the first paragraph of page 14 "There is no motivation to combine Ibrahim, Olstad, Crump and Logan because none of them addresses the problem of personalized content delivery. There is no teaching or suggestion that a personalization engine or a content scheduler is present. Ibrahim, read as a whole, does not suggest the desirability of personalizing content delivery.

Examiner Responds:

[2] Microsoft Computer Dictionary, Fifth Edition

Examiner is not persuaded. Reference to above Office Action will show that no rejection of any claims is made over the combination of Ibrahim, Olstad, Crump and Logan. Therefore, there is no reason required to combine above references. Furthermore, above Office Action provides a reason for combining references on a case-by-case basis. Furthermore, applicant is referred to above response by examiner regarding the disclosure by Ibrahim of a personalization engine.

Applicant Argues:

Applicant states in the second paragraph on page 14 "Regarding claims 7, 26, 28 and 45, the examiner states that Olstad discloses an indexer to index the cached content (Office Action, page 5). However, the cache content here refers to a search content which includes only requests, user information, result code for the web request, hash values for the document content, document information, access statistics and databases of hosts or sites (Olstad, paragraphs 51 to 65) These are not contents scheduled to be delivered to the user. Furthermore, Olstad does not disclose a distributor to distribute the retrieved cached content to a device.

Examiner Responds:

Examiner is not persuaded. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore, applicant is referred above response by examiner wherein it is shown that Ibrahim's disclosure reads on the claim limitation "a distributor to distribute the retrieved cache content to a device."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., these are not contents scheduled to be delivered to the user) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant Argues:

Applicant states in the third paragraph of page 14 "Regarding claims 8, 9, 27, 46 and 47, the examiner further states that Crump discloses a [c]ache decryptor/decoder (Office Action, page 7). Applicant respectfully disagrees. Crump merely discloses an address decoder to select the next set. An address decoder is not the same as a decryptor. The cache used in the Crump is the cache memory used in a microprocessor system, not a cache used in communication networks to deliver contents. Furthermore, Crump does not disclose an archiver to archive the cached content.

Examiner Responds:

Examiner is not persuaded. Applicant is referred to above response by examiner regarding claims 8, 27 and 46.

Applicant Argues:

Applicant states in the fourth paragraph of page 14 "Regarding claims 17, 36, 37 and 55 the examiner states that Logan discloses a parser to parse the metadata (Office Action, page 8). However, these are not metadata associated with the content scheduled to be delivered with personalization information."

Examiner Responds:

Examiner is not persuaded. Examiner is referred to above response by examiner regarding claims 17, 36, 37 and 55.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

7/5/2005

MOHAMMAD ALI
PRIMARY EXAMINER